

**U.S. Department of Justice**



*United States Attorney  
Eastern District of New York*

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MMS/LXN  
F.#2010R01079

271 Cadman Plaza East  
Brooklyn, New York 11201

June 20, 2011

By ECF & First Class Mail

TO: Attached Counsel List

Re: United States v. Barisciano, et al.  
Criminal Docket No. 11-413 (SLT)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery with respect to the above-captioned case. Any additional discovery will be provided to you as it becomes available. The government hereby also requests reciprocal discovery.

**A. The Defendant's Statements**

Under separate cover, the government will provide you with any pre- or post-arrest statements that your client may have made.

To the extent that your client made any pre-arrest statements intercepted by government wiretaps, please refer to Section C of this letter (infra).

**B. The Defendant's Prior Record**

Under separate cover, the government will provide you with your client's criminal history report, if any.

**C. Title III Wiretap Evidence**

The government conducted court-authorized wiretaps on the following cellular telephones:

<b>Date of Authorization and Judge</b>	<b>Facility Intercepted</b>
October 14, 2010 (Honorable Eric N. Vitaliano)	IN THE MATTER OF AN APPLICATION OF THE UNITED STATES OF AMERICA FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE AND ELECTRONIC COMMUNICATIONS OCCURRING OVER (347) 249-3775, IMSI 310260422077274, SERVICED BY T-MOBILE, SUBSCRIBED TO BY DIANE DOYLE, 8 NADAL PLACE, STATEN ISLAND, NY 10314
February 4, 2011 (Hon. Dora L. Irizarry)	IN THE MATTER OF AN APPLICATION OF THE UNITED STATES OF AMERICA FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE AND ELECTRONIC COMMUNICATIONS TO AND FROM (917) 865-3104, IMSI 310410385006759, SERVICED BY AT&T SUBSCRIBED TO BY LAWRENCE BARISCIANO, 4 DANIELLA COURT, STATEN ISLAND, NY 10314
April 12, 2011 (Hon. Dora L. Irizarry)	IN THE MATTER OF AN APPLICATION OF THE UNITED STATES OF AMERICA FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE COMMUNICATIONS TO AND FROM (917) 642-3918, ESN/MEID 268435458116527068, SERVICED BY METROPCS, SUBSCRIBED TO BY RICHARD PALASE, 64 JOLINE AVE, STATEN ISLAND, NEW YORK 10307

1. Documents Relating to Wiretaps

Copies of all applications and orders related to these wiretaps are enclosed bearing Bates numbers DOJ\_WA\_0000001-264.

2. Wiretap Recordings

A hard drive containing the recordings of the above-listed wiretap intercepts have been forwarded to an external vendor. The government will provide you with contact information for the vendor as soon as those materials are ready to be ordered.

3. Draft Transcripts

As a courtesy, the government has created draft transcripts for the pertinent calls. These draft transcripts will be provided pursuant to the terms of the stipulation previously

forwarded to all counsel in this case once that stipulation has been executed and returned to the government.

**D. Search Warrants**

Search Warrants were executed on or about May 5, 2011 at (1) The Premises Known and Described as the Press Located on the Second Floor of 2228 Victory Boulevard, Staten Island, New York; (2) The Premises Known and Described as the Loft Located on the Second and Third Floors of 4029 Hyland Boulevard, Staten Island, New York; (3) The Premises Known and Described as 5th Street Located on the Second Floor of 2298 Arthur Kill Road, Staten Island, New York; (4) The Premises Known and Described as the Station or the Calling Station Located on the Ground Floor of 35 Page Avenue, Staten Island, New York; and (5) The Premises Known and Described as the Warehouse or Da Clubhouse Located 3741B Victory Boulevard, Staten Island, New York. The (1) affidavit in support of the search warrants, (2) the signed search warrants and (3) the search warrant vouchers are enclosed bearing Bates numbers DOJ\_SW\_0000001 - 101.

You may call us to arrange a mutually convenient time to inspect, copy, and/or photograph the evidence seized pursuant to the search warrants.

**E. Other Tangible Evidence**

As further evidence becomes available, it will be turned over in discovery.

**F. Reports of Examinations and Tests**

The government will provide you with copies of any reports of examinations or tests in this case, as they become available.

**G. Expert Testimony**

The government will comply with Rule 16(a)(1)(E) by notifying you in a timely fashion of the identity of this expert and any additional experts that the government intends to call at trial. At that time, the government will also provide a summary of the opinion and qualifications of any experts.

**H. Brady Materials**

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

**I. Other Crimes, Wrongs or Acts**

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Federal Rule of Evidence 404(b).

**J. The Defendant's Required Disclosures**

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely upon at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have any questions or further requests, please do not hesitate to contact us.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney  
Eastern District of New York

By: /s/  
Marisa Megur Seifan/Lan Nguyen  
Assistant U.S. Attorneys  
(718) 254-6008/6162

Enclosures

CC: Clerk of Court (SLT) (w/o enclosures)